



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/780,500

02/17/2004

Byong Mok Oh

2894/108

7866

2101 7590 06/24/2010
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

PRENDERGAST, ROBERTA D

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

06/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,500	Applicant(s) OH, BYONG MOK	
	Examiner ROBERTA PRENDERGAST	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11, 13-28 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13-28, and 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/2010 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-6, 8-10, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szeliski et al. U.S. Patent No. 6157747 in view of Luken U.S. Patent No. 5923334 and Seago U.S. Patent No. 5990900.

Referring to claim 1, Szeliski et al. teaches a computerized method for creating a three dimensional model from image panoramas, the method comprising:

receiving at a computer a plurality of image panoramas representing a visual scene and having an object (Figs. 1, 3 and 36A-38; column 27, Lines 34-

Art Unit: 2628

48, i.e. constructing a complete panoramic mosaic, converting the set of input images and associated transforms into one or more images which can be quickly rendered or viewed by choosing either a cylindrical or spherical map and converting a rotational panorama to a spherical panorama indicates that a plurality of panoramas are being received. Figure 6, element 610 and column 11, lines 16-22 discloses wherein a deformation D provides a final correction such that the placement of a fixed object relative to the second image's re-warped coordinate system (x'', y'') is about the same as the object's placement relative to the first image's coordinate system (x, y) thus indicating that the plurality of image panoramas have an object as claimed),

the object occupying a field of view of more than 180 degrees in the panoramas and having an object (Figs. 1, 3, 6, 33A-B, and 36A-38; column 11, lines 16-21; column 31, lines 51-64, i.e. one of ordinary skill in the art at the time of invention would recognize that the wall objects in figures 33A and 33B and the hotel lobby wall objects are both shown occupying a field of view of more than 180 degrees since Applicant discloses that panoramic images of wall structures indicate objects occupying a field of view of more than 180 degrees, see Remarks, filed 2/28/2008, page 11, 2nd paragraph);

using the computer, determining a directional vector indicating an orientation of the visual scene with respect to a reference coordinate system (Fig. 15; column 22, lines 4-31, i.e. figure 15 shows the adjustment of the bundle of rays x_{jk} so that they converge to x_j . Letting the ray direction in the final composited image mosaic be a unit vector p , and its corresponding ray direction

Art Unit: 2628

in the k th frame be $p_{jk} \sim R_k^{-1} V_k^{-1} x_{jk}$, indicates a directional vector for each image panorama as claimed);

transforming the image panoramas such that the directional vectors are substantially aligned relative to the reference coordinate system (Fig. 15; column 22, lines 2-31, i.e. figure 15 shows the adjustment of the bundle of rays x_{jk} so that they converge to x_j . Letting the ray direction in the final composited image mosaic be a unit vector p , and its corresponding ray direction in the k th frame be $p_{jk} \sim R_k^{-1} V_k^{-1} x_{jk}$, indicates transforming the image panoramas as claimed);

aligning the transformed image panoramas to each other (Figs. 17-18 and 20; column 22, lines 46-67; column 23, lines 10-12; column 24, lines 30-61, i.e. global alignment of the image panoramas is being performed using patch-based alignment).

Szeliski et al. does not specifically teach determining a directional vector for each image panorama; and

using the computer, creating a three dimensional model of the visual scene from the transformed and aligned image panoramas using the reference coordinate system, wherein creating a three dimensional model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object, the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in the reference coordinate system.

Luken teaches eight direction vectors D0-D7 associated with six rectangular images mapped to the inside of an octahedron wherein it is

Art Unit: 2628

determined which of the six rectangular images is intersected by one of the eight direction vectors (Figs. 7-10, 14 and 17; Column 7, lines 28-36).

Seago et al. teaches creating a three dimensional model of the visual scene from the transformed and aligned image panoramas using the reference coordinate system (Fig. 2; column 4, lines 46-49, i.e. Figure 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image and an object contained within the digital image is selected for conversion into a three-dimensional object, and the selected object's orientation, or natural coordinate system, is approximately determined, wherein the reference coordinate system is the natural coordinate system.),

wherein creating a three dimensional model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object (Fig. 2; columns 4-5, lines 65-1; column 5, lines 35-38, i.e. line creation can be performed automatically by image analysis software, which determines edges of objects and creates lines overlapping the determined edges, shapes or polygons that define the selected object's sides, and plane indexes are determined based on user-designated vertices or vanishing lines at significant features of the selected object),

the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in the reference coordinate system (Fig. 2 (element 54); column 5, lines 50-55, i.e. once all of the polygons and plane indexes of a selected object have been determined, a three-

Art Unit: 2628

dimensional object, oriented within the selected object's three-dimensional coordinate space is determined).

Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Szeliski et al. to include the teachings of Luken and Seago et al. wherein directional vectors for each image are used within an environment map that is mapped to the sides of an octahedron, as taught by Luken, with the three-dimensional model environment map of the visual scene, as taught by Szeliski, because Luken is directed to the same problem of using polyhedral environment maps to create and view three dimensional images from data representing multiple views of a scene, is in the same field of endeavor of image processing systems and expressly suggests that the direction vectors provide an efficient system for generating and viewing three-dimensional panoramic images based environment maps, and offer an improved level of interactive graphical feedback (Luken: column 3, lines 5-8), and wherein the three-dimensional object editing abilities of Seago are used to modify the three-dimensional environment map of Szeliski because Seago expressly suggests that this method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (Seago: column 11, lines 49-55).

Referring to claim 2, the rationale for claim 1 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 1 wherein the directional vector is determined based, at least in part, on instructions identifying

Art Unit: 2628

elements of the image panoramas received from a user (column 8, lines 30-32; column 27, lines 64-66, i.e. a user may enter commands and information into the computer through input devices and the shape of the model and the embedding of each face into texture space is left up to the user).

Referring to claim 3, the rationale for claim 2 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 2 wherein the instructions from the user identify two or more substantially parallel features in the image panoramas (column 8, lines 30-32; columns 20-21, lines 64-6; column 21, lines 25-34, i.e. a user may enter commands and information into the computer through input devices and the global alignment method is a feature-based method that relies on first establishing point correspondences between overlapping images).

Referring to claim 5, the rationale for claim 2 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 2 wherein the instructions from the user identify a horizon line of at least one image panorama (Figs. 3-4; column 9, lines 54-62, i.e. a camera 310 having its optical center fixed at point C (Fig. 3) captures a sequence of images $I_0, I_1, I_2, I_3, \dots$ as it pans, the center rays of these images being focused on 3D points $P_0, P_1, P_2, P_3, \dots$ at a focal length f from the optical center point C. The points P_i are defined relative to a fixed 3D world coordinate system P_x, P_y, P_z indicated in the drawings).

Referring to claim 6, the rationale for claim 2 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 2 wherein the instructions comprise the identification of two or more areas of the image

Art Unit: 2628

panoramas, each area containing one or more elements and further comprising automatically identifying the two elements contained in the two or more areas (Fig. 6; columns 20-21, lines 49-24, i.e. a feature-based point correspondence is established between a pair of images by dividing each image into patches and identifying prospective “feature” points within the patches.).

Referring to claim 8, the rationale for claim 1 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 1 but does not specifically teach wherein the image panoramas are aligned relative to the reference coordinate system such that the directional vector of each panorama is at least substantially parallel to one axis of the reference coordinate system.

Luken teaches wherein the image panoramas are aligned relative to the reference coordinate system such that the directional vector of each panorama is at least substantially parallel to one axis of the reference coordinate system (Fig. 7 (element 707); columns 6-7, lines 40-36, i.e. since the six rectangular images are axis aligned, then a directional vector that is parallel to one axis must be perpendicular to the other two spatial axes. In other words, in order for a directional vector to intersect one of the rectangular images, that vector must be substantially parallel to one axis, which requires it to be substantially perpendicular to the others).

The rationale for combining Szeliski et al., as modified above, with the teachings of Luken and Seago et al. as found in the motivation statement of claim 1 is incorporated herein.

Referring to claim 9, the rationale for claim 1 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 1 but does not specifically teach wherein the image panoramas are aligned relative to the reference coordinate system such that the directional vector of each panorama is at least substantially orthogonal to one axis of the reference coordinate system.

Luken teaches wherein the image panoramas are aligned relative to the reference coordinate system such that the directional vector of each panorama is at least substantially orthogonal to one axis of the reference coordinate system (Fig. 6A and 7 (element 707); columns 6-7, lines 40-36, i.e. since the six rectangular images are axis aligned, then a directional vector that is parallel to one axis must be perpendicular to the other two spatial axes. In other words, in order for a directional vector to intersect one of the rectangular images, that vector must be substantially parallel to one axis, which requires it to be substantially perpendicular to the others).

The rationale for combining Szeliski et al., as modified above, with the teachings of Luken and Seago et al. as found in the motivation statement of claim 1 is incorporated herein.

Referring to claim 10, the rationale for claim 1 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 1 wherein the image panoramas are aligned according to instructions received from a user (column 27, lines 64-66, i.e. the user aligns the image panoramas into texture space.).

Referring to claim 39, the rationale for claim 1 is incorporated herein, Szeliski et al., as modified above, teaches the method according to claim 1, wherein the object is a room and the at least one boundary of the object is the intersection of a wall of the room with the floor (column 27, lines 64-67, i.e. the model can be a cube with six separate texture maps for each surface. Using an appropriate environment map would cause the top surface to be a ceiling, the bottom surface to be a floor, etc.).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szeliski et al. in view of Luken and Seago et al., as applied to claim 6 above, and further in view of Blank U.S. Patent No. 5469536.

Referring to claim 7, the rationale for claim 6 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 6 but does not specifically teach using edge detection to automatically identify the two elements.

Blank teaches detecting the edges of an object and separates portions of the image that are outside the edge of the object (i.e., the background component) from portions of the image that are inside the edge such that the two elements are therefore identified as those elements within the edge, and those outside the edge (column 4, lines 17-21).

Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Szeliski et al. to include the teachings of Luken, Seago et al. and Bank wherein the edge detection methods, as taught by Blank, are used as an alternative to patch-based division, as taught by Szeliski, and as modified

Art Unit: 2628

by Luken, because it is an effective way to divide the image into smaller portions to conquer aligning all aspects of an image.

Claims 11, 13-21, 23, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szeliski et al. in view of Seago et al. and Blank.

Referring to claim 11, Szeliski et al. teaches a computerized method of interactively editing objects in a panoramic image, the method comprising:

receiving an image panorama representing a visual scene, the image panorama having an object and a point source (Figs. 1, 3 and 36A-38; column 27, Lines 34-48, i.e. constructing a complete panoramic mosaic, converting the set of input images and associated transforms into one or more images which can be quickly rendered or viewed by choosing either a cylindrical or spherical map and converting a rotational panorama to a spherical panorama indicates that a plurality of panoramas are being received. Figure 6, element 610 and column 11, lines 16-22 discloses wherein a deformation D provides a final correction such that the placement of a fixed object relative to the second image's re-warped coordinate system (x'' , y'') is about the same as the object's placement relative to the first image's coordinate system (x , y) thus indicating that the plurality of image panoramas have an object as claimed),

the object occupying a field of view of more than 180 degrees in the panorama (Figs. 1, 3, 6, 33A-B, and 36A-38; column 11, lines 16-21; column 31, lines 51-64, i.e. one of ordinary skill in the art at the time of invention would recognize that the wall objects in figures 33A and 33B and the hotel lobby wall

Art Unit: 2628

objects are both shown occupying a field of view of more than 180 degrees since Applicant discloses that panoramic images of wall structures indicate objects occupying a field of view of more than 180 degrees, see Remarks, filed 2/28/2008, page 11, 2nd paragraph).

Szeliski et al. does not specifically teach using the computer creating a three dimensional model of the visual scene using features of the visual scene and the point source, wherein creating a three dimensional model includes identifying at least one boundary, of the object and using the identified boundary to associate geometry information with the object, the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system;

using the computer receiving an edit to the object in the panorama;

using the computer transforming the edit relative to a viewpoint defined by the point source; and

projecting the transformed edit onto the object.

Seago et al. teaches creating a three dimensional model of the visual scene using features of the visual scene and the point source (Fig. 2; column 4, lines 46-49, i.e. Figure 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image and an object contained within the digital image is selected for conversion into a three-dimensional object, and the selected object's orientation, or natural coordinate system, is approximately determined, wherein the reference coordinate system is the natural coordinate system.),

wherein creating a three dimensional model includes identifying at least one boundary, of the object and using the identified boundary to associate geometry information with the object (Fig. 2; columns 4-5, lines 65-1; column 5, lines 35-38, i.e. line creation can be performed automatically by image analysis software, which determines edges of objects and creates lines overlapping the determined edges, shapes or polygons that define the selected object's sides, and plane indexes are determined based on user-designated vertices or vanishing lines at significant features of the selected object),

the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system (Fig. 2 (element 54); column 5, lines 50-55, i.e. once all of the polygons and plane indexes of a selected object have been determined, a three-dimensional object, oriented within the selected object's three-dimensional coordinate space is determined).

Blank teaches using the computer receiving an edit to the object in the panorama (Abstract; column 30, lines 18-51; column 47, lines 1-64; column 48, lines 26-59, i.e. an object is selected for editing and the computer receives edits to trim, sharpen, blur blend, size, rotate and distort objects from the user);

using the computer transforming the edit relative to a viewpoint defined by the point source (Abstract; column 30, lines 18-51; column 47, lines 1-64; column 48, lines 26-59, i.e. an object is selected for editing and the computer receives edits to trim, sharpen, blur, blend, size, rotate and distort objects from the user thus indicating that the object is being transformed relative to a viewpoint); and

Art Unit: 2628

projecting the transformed edit onto the object (column 30, lines 33-51, i.e. after the user is satisfied with how an object is manipulated a copy of the object is pasted onto the background where it then becomes a part of the background image, since object edits are performed on the current object displayed in a white box, with other objects visible on the screen not being transformed, then the object transform edits are being projected onto the current object).

Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Szeliski et al. to include the teachings of Seago et al. and Blank wherein the three-dimensional object editing abilities of Seago are used to modify the three-dimensional environment map of Szeliski because this method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (Seago et al.: column 11, lines 49-55) and to further include wherein an object is selected for editing and the computer receives edits to trim, sharpen, blur, blend, size, rotate and distort objects from the user thus indicating that the object is being transformed relative to a viewpoint such that object edits are performed on the current object displayed in a white box, with other objects visible on the screen not being transformed thereby enabling the user to quickly and efficiently modify or enhance the appearance of an image to a desired goal (Blank: column 6, lines 23-28)

Referring to claim 13, the rationale for claim 11 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 11 but does not specifically teach receiving an edit to color information associated with the object.

Blank teaches receiving an edit to color information associated with the object (column 47, lines 21-56, i.e. sharpen, blur, fill, tint, blend, gray-scale and adjust color are all commands to edit a color thus indicating that these edits are being received).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 14, the rationale for claim 11 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 11 but does not specifically teach receiving an edit to alpha information associated with the object.

Blank teaches this limitation (Fig. 19B; column 47, lines 57-60, i.e. Adjust Transparency is a command for adjusting the alpha information of an object).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 15, the rationale for claim 11 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 11 but does not specifically teach receiving an edit to depth information associated with the object.

Blank teaches this limitation (Fig. 19c (element 274); column 2, lines 49-60; column 3, lines 55-67; column 5, lines 15-25; column 12, lines 44-62; column 13, lines 8-15, i.e. the computer blends the object into the selected background at the desired layer and X-Y position, wherein objects are moved to the desired depth/layer).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 16, the rationale for claim 11 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 11 but does not specifically teach receiving an edit to geometry information associated with the object.

Blank teaches this limitation (column 47, lines 11-20; column 48, lines 26-39 and 50-59, i.e. the Trim, Size, and Distort commands make changes to the geometry of the object).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 17, the rationale for claim 11 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 11 but does not specifically teach providing a user with an interactive drawing tool that specifies edits for the object; and receiving the edits made by the user using the interactive drawing tool.

Art Unit: 2628

Blank teaches this limitation (column 21, lines 18-23, i.e. the system acts like a highly interactive and very powerful image editing tool).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 18, the rationale for claim 17 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 17 wherein the interactive drawing tool is one of an extrusion tool, a ground plane tool, a depth chisel tool and a non-uniform rational B-spline tool.

Blank teaches this limitation (column 12, lines 44-62; column 13, lines 8-15; column 47, lines 11-20, i.e. the interactive tool is a depth chisel tool).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 19, the rationale for claim 17 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 17 but does not specifically teach wherein the interactive drawing tool specifies a selected value for depth for the object.

Blank teaches this limitation (column 12, lines 44-62; column 13, lines 8-15, i.e. the user selects the desired layer/depth of a selected object).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 20, the rationale for claim 17 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 17 but does not specifically teach wherein the interactive drawing tool incrementally adds to the depth for the object.

Blank teaches this limitation (column 12, lines 44-62; column 13, lines 8-15, i.e. objects can be chosen to have a higher priority and hence a higher numbered layer and Z coordinate such that their priority may be incremented to add to their depth).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 21, the rationale for claim 17 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 17 but does not specifically teach wherein the interactive drawing tool incrementally subtracts from the depth for the object.

Blank teaches this limitation (column 12, lines 44-62; column 13, lines 8-15, i.e. objects can be chosen to have a lower priority and hence a lower numbered layer and Z coordinate such that their priority may be decremented to subtract from their depth).

The rationale for combining Szeliski et al., as modified above, with the teachings of Seago et al. and Blank as found in the motivation statement of claim 11 is incorporated herein.

Referring to claim 36, claim 36 recites elements that are similar in scope to claims 11 and 17, and therefore the rationale for the rejection of claims 11 and 17 are incorporated herein.

Referring to claim 37, claim 37 recites all of the elements of claims 18 and 36, and therefore the rationale for the rejection of claims 18 and 36 are incorporated herein.

Claims 22-28, 32-35, 38 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szeliski et al. in view of Seago et al.

Referring to claim 22, Szeliski et al. teaches a computerized method for projecting texture information onto an object within an image panorama, the method comprising:

using the computer receiving instructions from a user identifying a three-dimensional geometric surface within an image panorama, the image panorama containing an object having one or more textures (Figs. 1, 3 and 36A-38; column 27, lines 34-41; columns 27-28, lines 60-12, i.e. the shape of the model and the embedding of each face are left up to the user such that the user can choose something as simple as a cube with six separate texture maps or a spherical texture map. Figure 6, element 610 and column 11, lines 16-22 discloses wherein a deformation D provides a final correction such that the placement of a fixed object relative to the second image's re-warped coordinate system (x'' , y'') is about the same as the object's placement relative to the first image's coordinate

Art Unit: 2628

system (x, y) thus indicating that the plurality of image panoramas have an object as claimed),

the object occupying a field of view of more than 180 degrees in the panorama (Figs. 1, 3, 6, 33A-B, and 36A-38; column 11, lines 16-21; column 31, lines 51-64, i.e. one of ordinary skill in the art at the time of invention would recognize that the wall objects in figures 33A and 33B and the hotel lobby wall objects are both shown occupying a field of view of more than 180 degrees since Applicant discloses that panoramic images of wall structures indicate objects occupying a field of view of more than 180 degrees, see Remarks, filed 2/28/2008, page 11, 2nd paragraph);

determining a directional vector from the three-dimensional geometric surface (Fig. 15; column 22, lines 4-31, i.e. figure 15 shows the adjustment of the bundle of rays x_{jk} so that they converge to x_j . Letting the ray direction in the final composited image mosaic be a unit vector p , and its corresponding ray direction in the k th frame be $p_{jk} \sim R_k^{-1} V_k^{-1} x_{jk}$, indicates a directional vector from the surface as claimed);

using the computer creating a geometric model of the image panorama based at least in part on the three-dimensional geometric surface and the directional vector (Figs. 17-18 and 20; column 7, lines 29-33; column 22, lines 2-31 and 46-67; column 23, lines 10-12; column 24, lines 30-61, i.e. the direction vectors are used to align the images of the panoramic image such that global alignment of the image panoramas is being performed using patch-based alignment); and

applying the one or more textures to the object in the image panorama based on the geometric model (Fig. 2B; column 28, lines 13-15, i.e. efficiently computing texture map color values for any geometry and choice of texture map coordinates).

Szeliski et al. does not specifically teach wherein creating a geometric model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object, the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system.

Seago et al. teaches creating a three dimensional model of the visual scene (Fig. 2; column 4, lines 46-49, i.e. Figure 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image and an object contained within the digital image is selected for conversion into a three-dimensional object, and the selected object's orientation, or natural coordinate system, is approximately determined, wherein the reference coordinate system is the natural coordinate system.),

wherein creating a three dimensional model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object (Fig. 2; columns 4-5, lines 65-1; column 5, lines 35-38, i.e. line creation can be performed automatically by image analysis software, which determines edges of objects and creates lines overlapping the determined edges, shapes or polygons that define the selected object's sides,

Art Unit: 2628

and plane indexes are determined based on user-designated vertices or vanishing lines at significant features of the selected object),

the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in the reference coordinate system (Fig. 2 (element 54); column 5, lines 50-55, i.e. once all of the polygons and plane indexes of a selected object have been determined, a three-dimensional object, oriented within the selected object's three-dimensional coordinate space is determined).

Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Szeliski et al. to include the teachings of Seago et al. wherein the three-dimensional object editing abilities of Seago are used to modify the three-dimensional environment map of Szeliski because Seago expressly suggests that this method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (Seago: column 11, lines 49-55).

Referring to claim 24, the rationale for claim 22 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 22 wherein the three-dimensional geometric surface is one of a floor, a wall, or a ceiling (column 27, lines 60-67, i.e. the shape of the model and the embedding of each face into texture space can be a simple cube with six separate texture maps for each surface. Using an appropriate environment map would result in the top surface

Art Unit: 2628

being a ceiling, the bottom surface being a floor and the side surfaces being a wall, see figures 33A-33D).

Referring to claim 25, the rationale for claim 22 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 22 wherein the directional vector is orthogonal to the planar surface (Fig. 15, column 22, lines 4-6, i.e. the ray direction going through the j^{th} feature point located at x_{jk} , y_{jk} in the k^{th} frame indicates that the directional vector is orthogonal as claimed).

Referring to claim 26, the rationale for claim 22 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 22 wherein the geometric model comprises depth information (Figs. 27 and 30; column 28, lines 19-33, i.e. the object model is a triangulated surface where each vertex is tagged with its 3D (X, Y, Z) coordinates).

Referring to claim 27, the rationale for claim 22 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 22 wherein the texture information comprises color information (column 28, lines 13-18, i.e. texture map color values are computed for any geometry and choice of texture map coordinates).

Referring to claim 28, the rationale for claim 22 is incorporated herein, Szeliski et al., as modified above, teaches the method of claim 22 wherein the texture information comprises luminance information (Fig. 2B; column 5, lines 27-30; column 11, lines 57; column 29, lines 30-40 and 60-65, i.e. one of ordinary skill in the art at the time of invention would recognize that intensity is equivalent to luminance).

Referring to claim 32, Szeliski et al. teaches a system for creating a three dimensional model from a plurality of image panoramas, the system comprising:

means for receiving the image panoramas representing a visual scene having an object (Figs. 1, 3 and 36A-38; column 27, lines 34-41; columns 27-28, lines 60-12, i.e. the shape of the model and the embedding of each face are left up to the user such that the user can choose something as simple as a cube with six separate texture maps or a spherical texture map. Figure 6, element 610 and column 11, lines 16-22 discloses wherein a deformation D provides a final correction such that the placement of a fixed object relative to the second image's re-warped coordinate system (x'' , y'') is about the same as the object's placement relative to the first image's coordinate system (x , y) thus indicating that the plurality of image panoramas have an object as claimed);

the object occupying a field of view of more than 180 degrees in the panoramas (Figs. 1, 3, 6, 33A-B, and 36A-38; column 11, lines 16-21; column 31, lines 51-64, i.e. one of ordinary skill in the art at the time of invention would recognize that the wall objects in figures 33A and 33B and the hotel lobby wall objects are both shown occupying a field of view of more than 180 degrees since Applicant discloses that panoramic images of wall structures indicate objects occupying a field of view of more than 180 degrees, see Remarks, filed 2/28/2008, page 11, 2nd paragraph),

means for allowing a user to interact with the system to determine a directional vector for each image panorama (Fig. 15; column 22, lines 4-31, i.e.

Art Unit: 2628

figure 15 shows the adjustment of the bundle of rays x_{jk} so that they converge to x_j . Letting the ray direction in the final composited image mosaic be a unit vector p , and its corresponding ray direction in the k th frame be $p_{jk} \sim R_k^{-1} V_k^{-1} x_{jk}$, indicates a directional vector from the surface as claimed);

means for aligning the image panoramas relative to each other (Figs. 17-18 and 20; column 7, lines 29-33; column 22, lines 2-31 and 46-67; column 23, lines 10-12; column 24, lines 30-61, i.e. the direction vectors are used to align the images of the panoramic image such that global alignment of the image panoramas is being performed using patch-based alignment); and

means for creating a three dimensional model from the aligned (Figs. 17-18 and 20; column 7, lines 29-33; column 22, lines 2-31 and 46-67; column 23, lines 10-12; column 24, lines 30-61, i.e. the direction vectors are used to align the images of the panoramic image such that global alignment of the image panoramas is being performed using patch-based alignment).

Szeliski et al. does not specifically teach wherein creating a geometric model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object, the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system.

Seago et al. teaches creating a three dimensional model of the visual scene (Fig. 2; column 4, lines 46-49, i.e. Figure 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image and an object contained within the digital

Art Unit: 2628

image is selected for conversion into a three-dimensional object, and the selected object's orientation, or natural coordinate system, is approximately determined, wherein the reference coordinate system is the natural coordinate system.),

wherein creating a three dimensional model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object (Fig. 2; columns 4-5, lines 65-1; column 5, lines 35-38, i.e. line creation can be performed automatically by image analysis software, which determines edges of objects and creates lines overlapping the determined edges, shapes or polygons that define the selected object's sides, and plane indexes are determined based on user-designated vertices or vanishing lines at significant features of the selected object),

the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in the reference coordinate system (Fig. 2 (element 54); column 5, lines 50-55, i.e. once all of the polygons and plane indexes of a selected object have been determined, a three-dimensional object, oriented within the selected object's three-dimensional coordinate space is determined).

Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Szeliski et al. to include the teachings of Seago et al. wherein the three-dimensional object editing abilities of Seago are used to modify the three-dimensional environment map of Szeliski because Seago expressly suggests that this method of object extraction produces accurate three-

Art Unit: 2628

dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (Seago: column 11, lines 49-55).

Referring to claim 33, the rationale for claim 32 is incorporated herein, Szeliski et al., as modified above, teaches the system of claim 32, wherein the input image panoramas comprise two-dimensional images (Figs. 3-5; columns 9-10, lines 56-1, i.e. a camera captures 2D still images that are registered so that a panorama may be constructed).

Referring to claim 34, the rationale for claim 32 is incorporated herein, Szeliski et al., as modified above, teaches the system of claim 32, wherein the input image panoramas comprise three-dimensional images including geometry information (Figs. 3-4 and 6; column 9, lines 56-62, i.e. the camera captures a sequence of 2D still images (I_0, I_1, I_2, I_3 .) as it pans, the center rays of these images being focused on 3D points (P_0, P_1, P_2, P_3 ...) at a focal length f from the optical center point C . The points P_i are defined relative to a fixed 3D world coordinate system (P_x, P_y, P_z). Since the three-dimensional images correspond to the two-dimensional images which include depth information in the form of focal length then the geometry information is the inverted V shape shown in both figures 4 and 6).

Referring to claim 35, the rationale for claim 32 is incorporated herein, Szeliski et al., as modified above, teaches the system of claim 32, wherein the image panoramas are aligned according to instructions received from a user (Figs. 2B, 17-18 and 20; column 22, lines 46-67; column 23, lines 10-12; column

Art Unit: 2628

24, lines 30-61; column 27, lines 64-66, i.e. the user aligns the image panoramas into texture space.).

Referring to claim 38, Szeliski et al. teaches a computerized method for creating a three dimensional model from an image panorama, the method comprising:

receiving an image panorama representing a visual scene and having an object (Figs. 1, 3 and 36A-38; column 27, Lines 34-48, i.e. constructing a complete panoramic mosaic, converting the set of input images and associated transforms into one or more images which can be quickly rendered or viewed by choosing either a cylindrical or spherical map and converting a rotational panorama to a spherical panorama indicates that a plurality of panoramas are being received. Figure 6, element 610 and column 11, lines 16-22 discloses wherein a deformation D provides a final correction such that the placement of a fixed object relative to the second image's re-warped coordinate system (x'' , y'') is about the same as the object's placement relative to the first image's coordinate system (x , y) thus indicating receiving an image panorama having an object as claimed),

the object occupying a field of view of more than 180 degrees in the panorama (Figs. 1, 3, 6, 33A-B, and 36A-38; column 11, lines 16-21; column 31, lines 51-64, i.e. one of ordinary skill in the art at the time of invention would recognize that the wall objects in figures 33A and 33B and the hotel lobby wall objects are both shown occupying a field of view of more than 180 degrees since Applicant discloses that panoramic images of wall structures indicate objects

Art Unit: 2628

occupying a field of view of more than 180 degrees, see Remarks, filed

2/28/2008, page 11, 2nd paragraph); and

creating a three dimensional model of the visual scene using a computer from the image panorama using the reference coordinate system (Figs. 17-18 and 20; column 7, lines 29-33; column 22, lines 2-31 and 46-67; column 23, lines 10-12; column 24, lines 30-61, i.e. the direction vectors are used to align the images of the panoramic image such that global alignment of the image panoramas is being performed using patch-based alignment).

Szeliski et al. does not specifically teach wherein creating a geometric model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object, the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system.

Seago et al. teaches creating a three dimensional model of the visual scene (Fig. 2; column 4, lines 46-49, i.e. Figure 2 illustrates the process by which the image converting system 20 generates a three-dimensional model or object from a single two-dimensional image and an object contained within the digital image is selected for conversion into a three-dimensional object, and the selected object's orientation, or natural coordinate system, is approximately determined, wherein the reference coordinate system is the natural coordinate system.),

wherein creating a three dimensional model includes identifying at least one boundary of the object and using the identified boundary to associate

Art Unit: 2628

geometry information with the object (Fig. 2; columns 4-5, lines 65-1; column 5, lines 35-38, i.e. line creation can be performed automatically by image analysis software, which determines edges of objects and creates lines overlapping the determined edges, shapes or polygons that define the selected object's sides, and plane indexes are determined based on user-designated vertices or vanishing lines at significant features of the selected object),

the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in the reference coordinate system (Fig. 2 (element 54); column 5, lines 50-55, i.e. once all of the polygons and plane indexes of a selected object have been determined, a three-dimensional object, oriented within the selected object's three-dimensional coordinate space is determined).

Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Szeliski et al. to include the teachings of Seago et al. wherein the three-dimensional object editing abilities of Seago are used to modify the three-dimensional environment map of Szeliski because Seago expressly suggests that this method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (Seago: column 11, lines 49-55).

Referring to claim 40, the rationale for claim 22 is incorporated herein, Szeliski et al., as modified above, teaches the method according to claim 22, wherein the object is a room and the at least one boundary of the object is the

Art Unit: 2628

intersection of a wall of the room with the floor (column 27, lines 64-67, i.e. the model can be a cube with six separate texture maps for each surface. Using an appropriate environment map would cause the top surface to be a ceiling, the bottom surface to be a floor, etc.).

Referring to claim 41, claim 41 recites all of the elements of claims 40 and 38 and therefore the rationale for the rejection of claims 40 and 38 are incorporated herein.

Response to Arguments

Applicant's arguments filed 5/18/2010 have been fully considered but they are not persuasive.

Applicant first argues, with respect to claims 22-28, 32-35, 38 and 40-41, that neither Szeliski nor Seago teaches creating a geometric model of an object within an image panorama including identifying at least one boundary of the object where the object occupies a field of view in the panorama of greater than 180 degrees as required by each of the claims.

Examiner respectfully submits that Szeliski et al. teaches receiving panoramic images containing an object occupying a field of view of more than 180 degrees, see Figs. 1, 3, 6, 33A-B, and 36A-38; column 11, lines 16-21; column 31, lines 51-64. One of ordinary skill in the art at the time of invention would recognize that the Szeliski reference teaches an object occupying such a field of view because the wall objects in figures 33A and 33B and the hotel lobby wall and floor objects are both shown occupying a field of view of more than 180

Art Unit: 2628

degrees since Applicant themselves disclosed that panoramic images of wall structures indicate objects occupying a field of view of more than 180 degrees, see Remarks, filed 2/28/2008, page 11, 2nd paragraph. Szeliski et al. further teaches the use of traditional texture-mapped models, i.e. environment maps, wherein the shape of the model may be chosen as a simple cube with six separate texture maps indicating an environment map whose sides occupy a field of view of more than 180 degrees, see column 27, lines 60-67. Szeliski et al. also teaches an object model that is a collection of triangles and vertices wherein each vertex is tagged with its 3D (X, Y, and Z) coordinates and 2D (u, v) coordinates whose faces may be assigned to different texture maps. Thus Szeliski discloses the ability to generate a 3D model of an object in an image wherein the 3D model may occupy a field of view of more than 180 degrees. Szeliski does not specifically teach wherein creating the geometric model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object, the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system. Seago is depended upon to teach wherein creating a geometric model includes identifying at least one boundary of the object and using the identified boundary to associate geometry information with the object, the geometry information comprising 3-D coordinates describing the position and orientation of the object boundary in a reference coordinate system, see Fig. 2; column 4, lines 46-49, columns 4-5, lines 65-1; column 5, lines 35-38 and 50-55. One of ordinary skill in the art at the time of

Art Unit: 2628

invention would be able to apply the method of Seago, which takes 2-D planar images, determines vanishing points to derive a 3D coordinate system, and models the objects within the images, to the teachings of Szeliski which also includes the use of 2D perspective images and 3D models of objects within the images in order to improve Szeliski because Seago's method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (Seago et al.: column 11, lines 49-55).

Applicant then argues, with respect to claims 22-28, 32-35, 38 and 40-41, that "Seago's method for modeling objects from multiple 2D perspective images requires that each 2D perspective image show enough matching conjugate features to uniquely determine the relative orientation of the 2D perspective images. If the images do not contain the required conjugate vertices, lines or planes, Seago's method fails. (See, Seago '900, col. 7, lines 29- 41.)" and "Thus, Seago '900's method of 3D modeling will fail for any object that covers a field of view greater than 180 degrees in the input panorama and the combination of Seago '900 with Szeliski '747 will not satisfy the limitations of Claim 22 of the subject application."

Examiner respectfully submits that Seago teaches wherein a sufficient set of features may include **any** set of matching or conjugate vertices, vanishing lines, or planes between the multiple images, see column 7, lines 35-41, and further goes on to disclose that the relative orientation of a view is how the

Art Unit: 2628

vertices, vanishing lines, or planes it sees correspond to those other views. For example, **if two views of the same object differ by 180 degrees**, the left vanishing lines and planes in one view are the right vanishing lines and planes in the other view, see column 7, lines 42-49. One of ordinary skill in the art would recognize that this disclosure indicates that the method of Seago would indeed work for objects that cover a field of view greater than 180 degrees and therefore the combination of primary reference Szeliski et al. with secondary reference Seago et al. teaches all of the elements of claims 22-28, 32-35, 38 and 40-41 as claimed. Szeliski et al. teaches receiving panoramic images containing an object occupying a field of view of more than 180 degrees, see Figs. 1, 3, 6, 33A-B, and 36A-38; column 11, lines 16-21; column 31, lines 51-64. One of ordinary skill in the art at the time of invention would recognize that the Szeliski reference teaches an object occupying such a field of view because the wall objects in figures 33A and 33B and the hotel lobby wall and floor objects are both shown occupying a field of view of more than 180 degrees since Applicant themselves disclosed that panoramic images of wall structures indicate objects occupying a field of view of more than 180 degrees, see Remarks, filed 2/28/2008, page 11, 2nd paragraph. Szeliski et al. further teaches the use of traditional texture-mapped models, i.e. environment maps, wherein the shape of the model may be chosen as a simple cube with six separate texture maps indicating an environment map whose sides occupy a field of view of more than 180 degrees, see column 27, lines 60-67. Szeliski et al. also teaches an object model that is a collection of triangles and vertices wherein each vertex is tagged with its 3D (X,

Art Unit: 2628

Y, and Z) coordinates and 2D (u, v) coordinates whose faces may be assigned to different texture maps. Thus Szeliski discloses the ability to generate a 3D model of an object in an image wherein the 3D model may occupy a field of view of more than 180 degrees.

Applicant then argues, with respect to claims 22-28, 32-35, 38 and 40-41, that "...using Szeliski's method, the image pose cannot change without distorting the original images or cropping features not visible within the 180 degree limit for the 2D perspective image required as input for Seago's method."

Examiner respectfully submits that Seago does not impose a 180 degree limit as argued, Seago teaches wherein a sufficient set of features may include **any** set of matching or conjugate vertices, vanishing lines, or planes between the multiple images, see column 7, lines 35-41, and further goes on to disclose that the relative orientation of a view is how the vertices, vanishing lines, or planes it sees correspond to those other views. For example, **if two views of the same object differ by 180 degrees**, the left vanishing lines and planes in one view are the right vanishing lines and planes in the other view, see column 7, lines 42-49. One of ordinary skill in the art would recognize that this disclosure indicates that the method of Seago would indeed work for objects that cover a field of view greater than 180 degrees and therefore the combination of primary reference Szeliski et al. with secondary reference Seago et al. teaches all of the elements of claims 22-28, 32-35, 38 and 40-41 as claimed.

One of ordinary skill in the art at the time of invention would be able to apply the method of Seago, which takes 2-D planar images, determines

Art Unit: 2628

vanishing points to derive a 3D coordinate system, and models the objects within the images, to the teachings of Szeliski which also includes the use of 2D perspective images and 3D models of objects within the images in order to improve Szeliski because Seago's method of object extraction produces accurate three-dimensional objects more efficiently than conventional systems that try to extract the three-dimensional objects using analytical mathematical interpretations and orthogonal image analysis (Seago et al.: column 11, lines 49-55).

According to *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1739 (2007) at 1396, "if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill." As established above, both Seago and Szeliski use 2D perspective images and one of ordinary skill would recognize how to create object models from the 2D perspective images of Szeliski using the method of Seago. Examiner notes that the perspective information required to perform the method of Seago is not eliminated in Szeliski, regardless of whether the objects in the images occupy a field of view greater than 180 degrees. Therefore, Examiner maintains her position that the combination of Szeliski and Seago would have been obvious and teaches limitations for which they are cited.

Applicant then argues, with respect to claims 11, 13-21, 23 and 36-37 over Szeliski, Seago and Blank, claims 1-3, 5-6, 8-10, and 39 over Szeliski, Seago and Luken, and claim 7 over Szeliski, Seago, Luken and Blank, that the

Art Unit: 2628

rejections of these claims rely on Szeliski and Seago for teaching the limitations cited above for claims 22 and 32 and therefore, a prima facie case of obviousness is lacking because Szeliski and Seago do not teach, disclose or suggest these limitations of the claims and are therefore deemed patentable.

Examiner respectfully requests that applicant look to the response for claims 22 and 32 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA PRENDERGAST whose telephone number is (571)272-7647. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roberta Prendergast/
Examiner, Art Unit 2628
6/19/2010

/Ulka Chauhan/
Supervisory Patent Examiner, Art Unit 2628